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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HAND, MELANIE JO	

ART UNIT	PAPER NUMBER
3761	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,347	HOSHINO ET AL.	
	Examiner	Art Unit	
	Melanie J. Hand	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al (JP 09-313531) in view of Palumbo et al (U.S. Patent No. 5,899,894).

With respect to **claim 1:** Nakazawa teaches a disposable absorbent article 11 comprising: a main absorbent article body part, in turn comprising a liquid permeable surface side sheet 25, a liquid impermeable back face side sheet 27, positioned at the back face side of the liquid permeable surface side sheet, an absorbent body 24, positioned between the liquid permeable surface side sheet and the liquid impermeable back face side sheet (Fig. 8), and flap parts as seen in Fig. 4, disposed at least at the peripheral edge parts of said liquid impermeable back face side sheet and extending outward beyond the respective sides in the width direction of said absorbent body 24; and an outer layer sheet 14, positioned at the back face side of the liquid impermeable back face side sheet 27 of the main absorbent article body part; and wherein a dorsal waist part 12, a crotch part, having leg parts 13L,R at both sides , and a ventral waist part are formed successively and integrally in the longitudinal direction (Fig. 4), a dorsal waist part elastic body and a ventral waist part elastic body (collectively, elastic 16) of said outer layer

sheet 14, which stretches in the width direction of the outer layer sheet 14, are disposed respectively at the dorsal waist part and the ventral waist part of said outer layer sheet, leg part elastic bodies 18 are disposed respectively at said leg parts 13L,R at the respective sides of said outer layer sheet, said leg part elastic bodies 18 are formed as first leg part elastic bodies and second leg part elastic bodies, said first leg part elastic bodies have one end side set along a leg part from a part of said dorsal waist part at one side, have an intermediate part crossing said crotch part obliquely towards a part of said ventral waist part at the other side, and have the other end side set along the leg part at the part of said ventral waist part at the other side (Fig. 4), said second leg part elastic bodies 19 have one end side set along a leg part from a part of said dorsal waist part at the other side, have an intermediate part intersecting said first leg part elastic bodies and crossing said crotch part obliquely towards a part of said ventral waist part at the one side, and have the other end side set along the leg part at the part of said ventral waist part side at the one side (Fig. 4), and third leg part elastic bodies 20,21 are disposed along the flap parts at both sides of said main absorbent article body part (Fig. 4), wherein the first, second and third leg part elastic plastic bodies intersect with each other five times. (Fig. 4, ¶¶0017,0020,0021,0027,0037) The third leg part elastic bodies 20,21 extend in a longitudinal direction beyond the points of intersection with the first leg part elastic bodies 18 and the second leg part elastic bodies 19 at the respective sides of the main absorbent article body part. (see figure in Abstract)

Nakazawa does not teach that the flap parts shown in Fig. 4 are liquid-impermeable. Palumbo teaches an absorbent article and teaches that impermeable flaps are known in the art ('894, Col. 1, line 60,61), therefore it would be obvious to one of ordinary skill in the art to modify

the article of Nakazawa so as to have impermeable side flaps as taught by Palumbo with a reasonable expectation of success.

The combined teaching of Nakazawa and Palumbo thus teaches third leg part elastic bodies disposed between liquid impermeable flap parts and a liquid-impermeable backsheet.

With respect to **claim 2:** Nakazawa teaches a disposable absorbent article 11 comprising: a main absorbent article body part having a longitudinal axis and a lateral axis perpendicular thereto, the main absorbent article body part in turn comprising a liquid permeable surface side sheet 25, a liquid impermeable back face side sheet 27, positioned at the back face side of the liquid permeable surface side sheet 25, an absorbent body 24, positioned between the liquid permeable surface side sheet 25 and the liquid impermeable back face side sheet 27 (Fig. 8), and flap parts, disposed at least at the peripheral edge parts of said liquid impermeable back face side sheet 27 and extending outward beyond the respective sides in the width direction of said absorbent body 24; and an outer layer sheet 14, positioned at the back face side of the liquid impermeable back face side sheet 27 of the main absorbent article body part; and wherein a dorsal waist part, a crotch part, having leg parts 13L,R at both sides, and a ventral waist part are formed successively and integrally in the longitudinal direction, a dorsal waist part elastic body and a ventral waist part elastic body (collectively, elastic member 16), which stretch in the width direction of the outer layer sheet 14, are disposed respectively at the dorsal waist part and the ventral waist part of said outer layer sheet 14, leg part elastic bodies 18,19 are disposed respectively at said leg parts 13L,R at the respective sides of said outer layer sheet 14, said leg part elastic bodies are formed as first leg part elastic bodies 18 and second leg part elastic bodies 19, said first leg part elastic bodies 18 have one end side set along a leg part from a part of said dorsal waist part at one side, have an intermediate part extending across said crotch part

along the width direction, and have the other end side set along the leg part at a part of the ventral waist part at the other side, said second leg part elastic bodies 19 have one end side set along a leg part from a part of said dorsal waist part at the other side, have an intermediate part substantially mirroring the intermediate part of said first leg part elastic bodies 18 relative to the longitudinal axis and crossing said crotch part in a direction substantially parallel to the lateral axis, and have the other end side set along the leg part at a part of said ventral waist part side at the one side, and third leg part elastic bodies 20,21 are disposed along the flap parts at both sides of said main absorbent article body part. (Fig. 4, ¶¶0017,0020,0021,0027,0037) The third leg part elastic bodies 20,21 extend in a longitudinal direction beyond the points of intersection with the first leg part elastic bodies 18 and the second leg part elastic bodies 19 at the respective sides of the main absorbent article body part. (see figure in Abstract)

Nakazawa does not teach that the flap parts shown in Fig. 4 are liquid-impermeable. Palumbo teaches an absorbent article and teaches that impermeable flaps are known in the art ('894, Col. 1, line 60,61), therefore it would be obvious to one of ordinary skill in the art to modify the article of Nakazawa so as to have impermeable side flaps as taught by Palumbo with a reasonable expectation of success.

The combined teaching of Nakazawa and Palumbo thus teaches third leg part elastic bodies disposed between liquid impermeable flap parts and a liquid-impermeable backsheet.

With respect to **claim 3:** The main absorbent article body part is affixed to the outer layer sheet at the back face side (Fig. 4), the crotch part of the outer layer sheet is notched so as to be substantially concave towards the inner sides in the width direction, and the third leg part elastic bodies 20,21, which are positioned at the flap parts of said main absorbent body part, have at

least a portion thereof disposed along a central lateral axis outward beyond the leg parts 13L,R at the respective sides of the outer layer sheet 14. (Fig. 4)

With respect to **claim 4:** The third leg part elastic bodies 20,21 are positioned at least respectively between the vicinities of the positions at which the first leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect and the vicinities of the positions at which the second leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect. (Fig. 4)

With respect to **claim 5:** A pair of three-dimensional gathers 17, which are erected in the direction of the body of a wearer when the absorbent article body is fitted onto the body of the wearer, are formed in mutually opposing manner at outer side parts at the respective sides that are positioned outwards in the width direction beyond the vicinities of the third leg part elastic bodies of the main absorbent article body part. (Fig. 1, ¶0017)

With respect to **claim 6:** The disposable absorbent article according to Claim 1, wherein each of the first leg part elastic bodies 18 and second leg part elastic bodies 19 is arranged to be lower in tensile strength at the intermediate part, positioned in the direction of crossing said crotch part, than at the one end side and the other end side that are positioned along the leg parts at the respective sides. The lower tensile strength is due to the presence of an increased amount of elastic at said intermediate part relative to the end sides positioned along said leg parts 13L,R.

With respect to **claim 8:** The main absorbent article body part is affixed to the outer layer sheet 14 at the back face side, the crotch part of the outer layer sheet 14 is notched so as to be substantially concave towards the inner sides in the width direction, and the third leg part elastic bodies 20,21, which are positioned at the flap parts of said main absorbent body part and have at least a portion thereof disposed along the central lateral axis outward beyond the leg parts at the respective sides of the outer layer sheet. (Fig. 4, ¶0021)

With respect to **claim 9:** The third leg part elastic bodies 20,21 are positioned at least respectively between the vicinities of the positions at which the first leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect and the vicinities of the positions at which the second leg part elastic bodies and the outer side parts of the flap parts at the respective sides of the main absorbent article body part intersect. (Fig. 4)

With respect to **claim 10:** A pair of three-dimensional gathers 17, which are erected in the direction of the body of a wearer when the absorbent article body is fitted onto the body of the wearer, are formed in mutually opposing manner at outer side parts at the respective sides that are positioned outwards in the width direction beyond the vicinities of the third leg part elastic bodies of the main absorbent article body part. ('531, Fig. 1, ¶0017)

With respect to **claim 11:** The disposable absorbent article according to Claim 1, wherein each of the first leg part elastic bodies 18 and second leg part elastic bodies 19 is arranged to be lower in tensile strength at the intermediate part, positioned in the direction of crossing said crotch part, than at the one end side and the other end side that are positioned along the leg

parts 13L,R at the respective sides. The lower tensile strength is due to the presence of an increased amount of elastic at said intermediate part relative to the end sides positioned along said leg parts 13L,R.

With respect to **claims 13,14:** The flap part is contiguous with the outer sheet 14, which is liquid impervious, thus the flap part is also an impervious sheet. (Fig. 4)

With respect to **claims 15,16:** The third leg part elastic bodies 20,21 are considered herein to extend in a longitudinal direction substantially the length of the main absorbent article body part. ('531, Fig. 2)

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al ('531) in view of Palumbo et al ('894) as applied to claims 1-6, 8-11 and 13-16 above, and further in view of Ishikawa (U.S. Patent Application Publication No. 2003/0040732).

With respect to **claims 7,12:** The combined teaching of Nakazawa and Palumbo does not teach that the outer layer sheet has central elastic bodies. Ishikawa teaches an absorbent article wherein an outer layer sheet 5 has central elastic bodies 23 attached thereto, positioned along the longitudinal direction of the absorbent body 3 at the width direction center of the absorbent body 3 that is positioned at the surface side of the outer layer sheet 5. ('732, ¶¶0012,0029) Ishikawa teaches that these elastic members reliably keep the absorbent structure and the article in close contact with the wearer's body during use, therefore it would be obvious to one of ordinary skill in the art to modify the outer sheet taught by the combined teaching of Nakazawa and Palumbo so as to contain central elastic bodies as taught by Ishikawa.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

July 6, 2007

SUPERVISORY PRIMARY EXAMINER
TATYANA ZALUKAEVA
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